IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4356 OF 2005

Mr.Vidyadhar Gangadhar Medhi ...Applicant.

V/s.

M/s. Porwal Finance Company ...Respondents.

Mr. Kulkarni for the Applicant.
Mr.B.H.Mehta, the APP for the State.

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : 18th August, 2005.

P.C.:

1. Learned advocate has tendered affidavit regarding service to Respondent No.1 i.e. original Complainant. None appears for Respondent No.1. Heard learned advocate for the Applicant and learned A.P.P. for the State.

2. The Applicant has prayed for quashing of the Criminal Case no.27 of 2002, which is pending before the Learned Judicial Magistrate First Class Court No.2, Pune. The said case is under section 138 of Negotiable Instrument Act. In the said complaint, process came to be issued against the Applicant under section 138 of the Negotiable Instruments Act. The learned advocate for the Applicant has submitted that the learned Magistrate erred in issuing process against the Applicant and the said process deserves to

be recalled or quashed. He has further submitted that if the said process is recalled or quashed, the complaint and the proceedings relating thereto would come to an end.

3. However, for the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, I am of the opinion that the Applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the Applicant states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the Trial Court shall not proceed with the trial for four weeks.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the

concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

(V.K.TAHILRAMANI,J.)